

## Chapter 16.28 ENVIRONMENTAL REGULATIONS

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### Section 16.28.07 Erosion Control.

Erosion Control shall be in compliance with this chapter and appendix five (5) of this Title.

**(1) Drainage/Snow Melt Plan.** Surface water from rooftops shall not be allowed to drain directly onto adjacent lots, except after written agreement between the owners of such lots.

**(2) Detention/Storm Water Facilities.** Where detention basins and other storm and erosion control facilities may be required, any negative visual and aesthetic impacts on the natural landscape and topography shall be minimized to the maximum extent feasible. It is required that all such facilities are designed to fit naturally and attractively into the environment.

**(3) Design Requirements.** Required storm water run-off collection facilities shall be designed so as to retain storm water run-off on development sites for a sufficient length of time so as to prevent flooding and erosion during storm water run-off flow periods except in areas where master storm drainage systems have been approved.

**(4) Divert Surface Water.** Required storm water run-off collection facilities shall be so designed as to divert surface water away from cut faces or sloping surfaces of a fill. French drains are not acceptable.

**(5) Pavement Designs with Curb and Gutter.** All improvements shall prevent water in from flowing off roadways, except at planned, approved areas.

**(6) Stabilization Below Discharge Point.** Natural drainage shall be rip-rapped or otherwise stabilized to the satisfaction of the Planning Department and the County Engineering Department below drainage and culvert discharge points for a distance sufficient to convey the discharge without channel erosion.

**(7) Waste Material from Construction.** Shall not be used as rip rap to control stream bank and channel erosion. Soil and other solid materials, shall not be deposited within a natural or manmade drainage course nor within irrigation channels.

**(8) Catchment Ponds.** Sediment catchment ponds may be required to be constructed downstream from each development, unless sediment retention facilities are otherwise provided.

**(9) Grade of Exposed Slopes.** No cut or fill slope that is created as part of the constructing of any roadway, whether public or privately owned, shall exceed the critical angle of repose.

**(10) Cuts and Fills.** Cuts and fills shall be as minimal as possible. Any cuts and fills necessary to create a building pad shall be done to allow the building to fit more naturally into the slope. Where possible all cuts and fills shall be revegetated.

**(11) Limits of Disturbance.** Limits of disturbance (LOD) for developments shall be established to show the specific area(s) of a site in which construction and development activity must be contained. In establishing LOD, the following criteria and standards shall be considered and applied:

(a) Minimize visual impacts from the development, including but not limited to screening from adjacent and downhill properties, ridgeline area protection, and protection of scenic views.

(b) Erosion prevention and control, including but not limited to protection of steep slopes and natural drainage channels.

(c) Fire prevention and safety, including but not limited to, location of trees and vegetation near structures.

(d) Preservation of significant trees or vegetation.

(e) Conservation of water, including but not limited to, preservation of existing native vegetation, reduction in amounts of irrigated areas, and similar considerations.

(f) Wildlife habitat protection, including but not limited to, preservation of critical wildlife habitat and identified migration corridors and routes.

(g) Endangered plant life.

(h) Stream corridor and wetland protection and buffering.

(i) Preservation of the maximum amount of natural topography, tree cover, and vegetation.

**(12) Limits of Disturbance may be Noncontiguous.** Limits of disturbance (LOD) necessary to accommodate proposed development may be noncontiguous in order to best meet the criteria and standards set forth in this section.

**(13) Maximum Area of Disturbance Applicable in the (M) Mountain Zone and (P-160) Preservation Zone.**

(a) For lots or parcels less than one acre in size, the limits of disturbance for an individual single family use and any accessory structure shall not exceed ten thousand (10,000) square feet, unless significant existing site vegetation is retained or remedial revegetation and land reclamation improvements which substantially advance the purposes of this chapter have been proposed and will be implemented on the site in accordance with a revegetation and land reclamation plan. In such cases, the limits of disturbance for lots or parcels less than one acre in size may be increased up to, but not to exceed, fifteen thousand (15,000) square feet.

(b) For lots or parcels one acre in size or greater, the LOD for an individual single family use and any accessory structure shall not exceed twelve thousand (12,000) square feet unless the conditions above are satisfied, in which case the LOD may be increased to eighteen thousand (18,000) square feet.

**(14) Revegetation and Land Reclamation.** Any slope exposed or created during development of project shall be landscaped or revegetated with native adapted trees and other native or adapted plant material. New vegetation shall be equivalent to or exceed the amount of erosion control characteristics of the original vegetation cover in order to mitigate adverse environmental and visual effects.

(a) On slopes of twenty five (25) percent or greater plant materials shall be selected that will minimize erosion and reduce surface runoff.

(b) Topsoil that is removed during construction shall be conserved for later use on areas requiring revegetation or landscaping. The applicant shall also indicate an acceptable time frame for revegetation that takes into account optimal seasonal growing conditions.

(c) Limits of disturbance as established herein shall be shown on the final plans for developments and shall be clearly delineated on site with fencing, or other materials or methods approved by the Planning Department prior to the commencement of excavation, grading, or construction activities.

(d) Within the limits of disturbance, fencing, at a minimum, should be placed around each significant tree and around stands of twelve (12) or more smaller trees a distance equal to the size of the individual or outermost tree's drip zone.

(e) No construction, grading, equipment or material storage, or any other activity shall be allowed outside the Limits of Disturbance, and the fencing shall remain in place until all land alteration, construction, and development activities are completed.

(f) Fill placed directly on the roots shall not exceed a maximum of six (6) inches in depth.

(g) If fill creates a tree well or depression around a tree or shrub, such area shall be drained so that the vegetation is not drowned by the pooling of rainfall or irrigation.

(h) If a tree's roots must be cut, the branches shall be trimmed by an amount equal to the percent of roots that were lost.

(i) Exemptions and Requirements: No trees or vegetation shall be removed outside the approved limits of disturbance except as specifically exempted by the following.

(i) The selective and limited removal of trees or vegetation necessary to obtain clear visibility at driveways, intersections, or for the purpose of performing authorized field survey work, are not prohibited.

(ii) In areas determined by the Fire Marshal as being highly susceptible to fire hazards, vegetation up to thirty (30) feet from the perimeter of a structure shall be selectively pruned and thinned for fire protection purposes.

(j) No trees or vegetation shall be removed for the purpose of providing open views to or from structures on a site.

(k) When native trees are removed from either inside or outside the established limits of disturbance, the applicant or developer shall replace such tree(s) on the lot, either inside or outside the established limits of disturbance, according to the following schedule and requirements:

(i) A significant deciduous tree that is removed shall be replaced by a tree with a minimum size of two and one half (2 1/2) inch caliper.

(ii) A significant coniferous tree that is removed shall be replaced by a tree with a minimum height of eight (8) feet.

(iii) Acceptable replacement trees shall be determined by choosing from the list of approved plants listed on Figure 9 of Appendix 2, or by a letter from a person or firm qualified by training or experience to have expert knowledge of the subject.

(iv) Replacement trees shall be maintained through an establishment period of eighteen months (18). The applicant shall post a bond guaranteeing the survival and health of all replacement trees during the establishment period.

(v) Non-native trees outside the limits of disturbance line shall not be removed except as agreed upon by the applicant and the County.

(l) Every effort shall be made to conserve topsoil that is removed during construction for later use on areas requiring vegetation or landscaping. New planting shall be protected with organic cover.

(m) All disturbed soil surfaces shall be stabilized before final acceptance by the County.

(n) At the termination of the bonding period, any dead plant materials required to be installed by the developer shall be replaced and a new bond issued to assure establishment of the replaced materials. Dead plants shall be replaced in perpetuity.